



General Assembly

February Session, 2012

**Bill No. 5303**

LCO No. 1396

\*01396 \_\_\_\_\_ \*

Referred to Committee on No Committee

Introduced by:

REP. DONOVAN, 84<sup>th</sup> Dist.

SEN. WILLIAMS, 29<sup>th</sup> Dist.

**AN ACT CONCERNING THE EXEMPTION FROM DISCLOSURE OF CERTAIN ADDRESSES UNDER THE FREEDOM OF INFORMATION ACT.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1-217 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) No public agency may disclose, under the Freedom of  
4 Information Act, the residential address of any of the following  
5 persons:

6 (1) A federal court judge, federal court magistrate, judge of the  
7 Superior Court, Appellate Court or Supreme Court of the state, or  
8 family support magistrate;

9 (2) A sworn member of a municipal police department, a sworn  
10 member of the Division of State Police within the Department of  
11 Emergency Services and Public Protection or a sworn law enforcement  
12 officer within the Department of Energy and Environmental

13 Protection;

14 (3) An employee of the Department of Correction;

15 (4) An attorney-at-law who represents or has represented the state  
16 in a criminal prosecution;

17 (5) An attorney-at-law who is or has been employed by the Division  
18 of Public Defender Services or a social worker who is employed by the  
19 Division of Public Defender Services;

20 (6) An inspector employed by the Division of Criminal Justice;

21 (7) A firefighter;

22 (8) An employee of the Department of Children and Families;

23 (9) A member or employee of the Board of Pardons and Paroles;

24 (10) An employee of the judicial branch;

25 (11) An employee of the Department of Mental Health and  
26 Addiction Services who provides direct care to patients; or

27 (12) A member or employee of the Commission on Human Rights  
28 and Opportunities.

29 (b) The business address of any person described in this section  
30 shall be subject to disclosure under section 1-210. The provisions of this  
31 section shall not apply to Department of Motor Vehicles records  
32 described in section 14-10.

33 (c) The provisions of this section shall not be construed to prohibit  
34 the disclosure without redaction of any document, as defined in  
35 section 7-35bb, any list prepared under title 9, or any list published  
36 under section 12-55.

37 Sec. 2. Section 1-217 of the general statutes, as amended by section 1  
38 of this act, is repealed and the following is substituted in lieu thereof

39 (Effective June 1, 2012):

40 (a) No public agency may disclose, under the Freedom of  
41 Information Act, from its personnel, medical or similar files, the  
42 residential address of any of the following persons employed by such  
43 public agency:

44 (1) A federal court judge, federal court magistrate, judge of the  
45 Superior Court, Appellate Court or Supreme Court of the state, or  
46 family support magistrate;

47 (2) A sworn member of a municipal police department, a sworn  
48 member of the Division of State Police within the Department of  
49 Emergency Services and Public Protection or a sworn law enforcement  
50 officer within the Department of Energy and Environmental  
51 Protection;

52 (3) An employee of the Department of Correction;

53 (4) An attorney-at-law who represents or has represented the state  
54 in a criminal prosecution;

55 (5) An attorney-at-law who is or has been employed by the Division  
56 of Public Defender Services or a social worker who is employed by the  
57 Division of Public Defender Services;

58 (6) An inspector employed by the Division of Criminal Justice;

59 (7) A firefighter;

60 (8) An employee of the Department of Children and Families;

61 (9) A member or employee of the Board of Pardons and Paroles;

62 (10) An employee of the judicial branch;

63 (11) An employee of the Department of Mental Health and  
64 Addiction Services who provides direct care to patients; or

65 (12) A member or employee of the Commission on Human Rights  
66 and Opportunities.

67 (b) The business address of any person described in this section  
68 shall be subject to disclosure under section 1-210. The provisions of this  
69 section shall not apply to Department of Motor Vehicles records  
70 described in section 14-10.

71 (c) (1) Except as provided in subsections (a) and (d) of this section,  
72 no public agency may disclose the residential address of any person  
73 listed in subsection (a) of this section from any of its records,  
74 regardless of whether such person is an employee of the public agency,  
75 provided such person has (A) submitted a written request for the  
76 nondisclosure of the person's residential address to the public agency,  
77 and (B) furnished his or her business address to the public agency.

78 (2) Any public agency that receives a request for a record subject to  
79 disclosure under this chapter where such request (A) specifically  
80 names a person who has requested that his or her address be kept  
81 confidential under subdivision (1) of this subsection, shall make a copy  
82 of the record requested to be disclosed and shall redact the copy to  
83 remove such person's residential address prior to disclosing such  
84 record, (B) is for an existing list that is derived from a readily  
85 accessible electronic database, shall make a reasonable effort to redact  
86 the residential address of any person who has requested that his or her  
87 address be kept confidential under subdivision (1) of this subsection  
88 prior to the release of such list, or (C) is for any list that the public  
89 agency voluntarily creates in response to a request for disclosure, shall  
90 make a reasonable effort to redact the residential address of any person  
91 who has requested that his or her address be kept confidential under  
92 subdivision (1) of this subsection prior to the release of such list.

93 ~~[(c)]~~ (d) The provisions of this section shall not be construed to  
94 prohibit the disclosure without redaction of any document, as defined  
95 in section 7-35bb, any list prepared under title 9, or any list published  
96 under section 12-55.

97 (e) No public agency or public official or employee of a public  
98 agency shall be penalized for violating a provision of this section,  
99 unless such violation is wilful and knowing. Any complaint of such a  
100 violation shall be made to the Freedom of Information Commission.  
101 Upon receipt of such a complaint, the commission shall serve upon the  
102 public agency, official or employee, as the case may be, by certified or  
103 registered mail, a copy of the complaint. The commission shall provide  
104 the public agency, official or employee with an opportunity to be  
105 heard at a hearing conducted in accordance with the provisions of  
106 chapter 54, unless the commission, upon motion of the public agency,  
107 official or employee or upon motion of the commission, dismisses the  
108 complaint without a hearing if it finds, after examining the complaint  
109 and construing all allegations most favorably to the complainant, that  
110 the public agency, official or employee has not wilfully and knowingly  
111 violated a provision of this section. If the commission finds that the  
112 public agency, official or employee wilfully and knowingly violated a  
113 provision of this section, the commission may impose against such  
114 public agency, official or employee a civil penalty of not less than  
115 twenty dollars nor more than one thousand dollars. Nothing in this  
116 section shall be construed to allow a private right of action against a  
117 public official or employee of a public agency.

118 Sec. 3. (*Effective from passage*) Not later than sixty days after the  
119 effective date of this section, the Labor Department shall, within  
120 available appropriations, create a guide that instructs protected  
121 employees listed in section 1-217 of the general statutes, as amended  
122 by this act, how to exercise their rights under said section, and that  
123 includes methods for protecting their addresses from disclosure. Once  
124 the department has completed such guide, the department shall post  
125 such guide on the department's Internet web site.

126 Sec. 4. (*Effective from passage*) (a) The joint standing committee of the  
127 General Assembly having cognizance of matters relating to  
128 government administration shall establish an advisory committee to  
129 study whether there are alternatives to permitting the disclosure

130 without redaction of certain records under subsection (c) of section 1-  
131 217 of the general statutes, as amended by this act. The members of the  
132 advisory committee shall be appointed by the chairpersons of the joint  
133 standing committee of the General Assembly having cognizance of  
134 matters relating to government administration. Said chairpersons shall  
135 appoint two chairpersons of the advisory committee from among the  
136 members of the advisory committee.

137 (b) The administrative staff of the joint standing committee of the  
138 General Assembly having cognizance of matters relating to  
139 government administration shall serve as administrative staff of the  
140 advisory committee.

141 (c) Not later than January 1, 2013, the advisory committee shall  
142 submit a report on its findings and recommendations to the joint  
143 standing committees of the General Assembly having cognizance of  
144 matters relating to government administration, planning and  
145 development and public safety, in accordance with the provisions of  
146 section 11-4a of the general statutes. The advisory committee shall  
147 terminate on the date that it submits such report or January 1, 2013,  
148 whichever is later.

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|---|---------------------|-------------|
| This act shall take effect as follows and shall amend the following sections: |                     |             |
| Section 1   | <i>from passage</i> | 1-217       |
| Sec. 2  | <i>June 1, 2012</i> | 1-217       |
| Sec. 3  | <i>from passage</i> | New section |
| Sec. 4  | <i>from passage</i> | New section |